

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

MAR 18 2020

David J. Bradley, Clerk

United States of America

v.

Noe GARZA (YOB: 1975, COB: U.S.),

Case No. M-20-0759-M

Defendant(s)

SEALED

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 28, 2020 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. § 1324(a)(1)(A)(iii)

Alien Smuggling


8 U.S.C. § 1324(a)(1)(A)(v)(I)

Knowing or in reckless disregard of the fact that Hector H. CASTRO-Garcia (COB: Honduras), Jose R. PINEDA-Flores (COB: Honduras) and four (4) others, for a total of six (6), who were aliens, who had come to, entered or remains in the United States in violation of law, conceals, harbors, or shields from detection or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation; to wit: harboring and conspiracy to harboring in Edinburg, Texas.

This criminal complaint is based on these facts:

SEE "ATTACHMENT A"

✓ Continued on the attached sheet.

approved by AUSA M. Alexis Garcia
on 3/18/20.
Complainant's signature
HSI-TFO
Jaime A. Perez
Printed name and title

Sworn to before me and signed in my presence.

Date: 3/6/20202:35 PM
Judge's signature
Juan Alanis, U.S. Magistrate Judge
Printed name and titleCity and state: McAllen, Texas

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ATTACHMENT A

I, Jaime A. Perez, am a Task Force Officer (TFO) assigned to the United States Homeland Security Investigations (HSI), McAllen, Texas and have knowledge of the following facts:

1. The following information was provided to HSI TFO Jaime A. Perez by Edinburg Police Investigator Efrain Martinez badge #220: Case# 20-10641

On February 28, 2020, Investigators and police officers with the Edinburg Police Department Noe GARZA in Edinburg, Texas after GARZA evaded by vehicle and afoot from police officers. Investigators questioned GARZA about an address listed on his criminal history report in Edinburg, Texas. GARZA stated he did not reside at that location, but he frequently visited the residence in order to conduct his illicit activities.

2. Officers were then dispatched to the residence in Edinburg and encountered a male subject outside the residence who claimed he lived there. Officers received verbal consent to search the house discovered five male subjects who claimed they were undocumented aliens (UDAs). Officers also discovered two firearms inside the premises. GARZA admitted to investigators that he was the primary caretaker of the five UDAs and he harbored them and provided food for them. GARZA stated he was coordinating the UDAs smuggling arrangements by transporting them further north attempting to circumvent Border Patrol checkpoints in order to take them to their destination within the United States. GARZA claimed the firearms discovered at the residence were used for personal protection. Officers stated that during field interviews with the UDAs all five admitted that a male subject described as Noe GARZA was the caretaker of the stash house and the smuggler that was planning to transport them into the northern portions of the United States. United States Border Patrol arrived and took custody of the UDAs.
3. On March 4, 2020, HSI TFO Jaime A. Perez and HSI TFO Gerardo Ramirez conducted a post arrest interview of Hector Hernan CASTRO-Garcia (Material Witness 1) Honduran national at the Customs and Border Protection (CBP) Detention Center in Donna, Texas. Material Witness 1 was read his Miranda Rights in his preferred Spanish language by TFO Ramirez as witnessed by HSI TFO Perez. Material Witness 1 waived his rights in writing and consented to speak with agents without an attorney present.
4. Post Miranda Material Witness 1 gave the following non-verbatim statements:
5. Material Witness 1 admitted to being in the United States illegally and a citizen of Honduras. Material Witness 1 claimed that upon crossing illegally through the Rio Grande River, he was picked up by male driver and transported to a stash house in Edinburg, Texas where he was harbored inside for over twenty days. Material Witness 1 stated that he and several other UDAs were placed together in one

bedroom inside the stash house. Material Witness 1 claimed that a caretaker by the name of Noe would arrive at the stash house every day to leave food and check on the UDAs. Material Witness 1 claimed that Noe carried a pistol as well as an assault rifle while he was at the stash house. Material Witness 1 stated that Noe told him he was responsible for transporting him up north into the United States beyond immigration checkpoints. Material Witness 1 claimed Noe never threatened him with the weapons, but he felt Noe carried the weapons as a controlling method and he felt afraid.

6. Material Witness 1 positively identified Noe GARZA in an HSI photo lineup as his and the primary caretaker and smuggling coordinator, and as the subject that carried a pistol and an assault rifle at the stash house in Edinburg, Texas.
7. On March 4, 2020, HSI TFO Jaime A. Perez and HSI TFO Gerardo Ramirez conducted a post arrest interview of Jose Rafael PINEDA-Flores (Material Witness 2), Honduran national at the Customs and Border Protection (CBP) Detention Center in Donna, Texas. Material Witness 2 was read his Miranda Rights in his preferred Spanish language by TFO Ramirez as witnessed by HSI TFO Perez. Material Witness 2 waived his rights in writing and consented to speak with agents without an attorney present.
8. Post Miranda, Material Witness 2 gave the following non-verbatim statements:
9. Material Witness 2 admitted to being in the United States illegally and a citizen of Honduras. Material Witness 2 claimed prior to illegally crossing the Rio Grande River into the United States, he was transported to a stash house in Edinburg, Texas in a dark colored SUV. Material Witness 2 stated that he stayed at the stash house for about twenty days with several other UDA males. Material Witness 2 claimed he was confined to one bedroom in the stash house and was checked on daily basis by a male caretaker he knew as El Miestro or El Gallo. Material Witness 2 described El Gallo as an older male subject, medium built with tattoos. Material Witness 2 claimed that El Gallo provided food for him and the other UDAs and told him he was planning to transport him further north into the United States. Material Witness 2 stated that El Gallo carried a pistol and an assault rifle when he was at the stash house. Material Witness 2 claimed El Gallo never threatened him with the weapons, but he felt Noe carried the weapons as a controlling method and he felt afraid.
10. Material Witness 2 positively identified El Gallo as Noe GARZA in an HSI photo lineup as his and the primary caretaker and smuggling coordinator, and as the subject that carried a pistol and an assault rifle at the stash house in Edinburg, Texas.

United States District Court
Southern District of Texas

David J. Brackley, Clerk